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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,882	11/16/2001	Gil Gavriel Dukiewicz	051448.0204	1063

7590 04/12/2007  
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EXAMINER

SALCE, JASON P

ART UNIT PAPER NUMBER

2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/992,882	<b>Applicant(s)</b> DUKIEWICZ ET AL.	
	<b>Examiner</b> Jason P. Salce	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-14,17-24,50,51,54-62 and 65-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2,5-14,17-24,50-51,54-62 and 65-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. In view of the Appeal Brief filed on 11/30/2006, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

  
**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5, 7, 10-11, 13-14, 17, 19, 22-23, 50-51, 54-56, 59, 61-62, 65-66, 67 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Thong et al. (U.S. Patent No. 6,505,153) in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard.

Referring to claim 1, Van Thong a method in a television program production system for creating closed captioning data (see Abstract).

Van Thong also discloses obtaining (see Column 4, Lines 50-52 for the Time Event Tracker Module 23 accepting script data (text input 25) and rundown data (time-stamped audio 21) for a television program prior to broadcast of the television program (see Abstract and Column 1, Line 45-42 for creation process of the closed captions for a video program occurring prior to the broadcast of the television program to various types of viewers and/or devices).

Van Thong also discloses processing the script data and the rundown data to define individual segments of the television program prior to broadcast of the program (see Column 4, Lines 52-54 for processing the script and rundown data in order to create a rough alignment 27 between the transcript text (script data) and the video recording, therefore defining individual segments of the television program by defining when the script data is identified to be a spoken word that would be displayed by a television).

Van Thong also discloses determining identifiers for each of the segments of the television program (see Column 5, Lines 1-29 for the rough alignment 27 being further processed by a realigner module 29 which creates an improved set of time marks

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generated by the Time Event Tracker 23, which results in time stamps (identifiers for each of the segments of the television program) indicating time occurrence relative to the time scale of the original audio). The examiner notes that these teachings also apply to the further claimed limitation "a segment comprising an identifier of the corresponding segment".

Van Thong also discloses creating closed caption data for the television program from the script data (see Column 6, Lines 52-55 for the Closed Caption Segmenter Module 33 creating closed captions 35 from the time-stamped text 31), the closed caption data comprising text data corresponding to said script data (again note that the time-stamped text 31 output from the realigner module 29 is generated from script data processed by the Time Event Tracker Module 23).

Van Thong also discloses that closed captions include timing data provided at locations corresponding to beginnings (and ends) of each of the individual segments of the television program, the timing data that corresponds to a segment comprising an identifier of the corresponding segment (see Column 1, Lines 16-20 for closed caption data comprising a sentence, time value and duration).

Although Van Thong details how the closed caption data is created from the script data and rundown data, Van Thong is silent as to how the closed caption data is packaged and transmitted.

The EIA Standard EIA-708-B, Digital Television (DTV) Closed Captioning teaches how closed captioning is packaged together with television programs and transmitted concurrently with broadcasting of the television programs (see Pages 1 and

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5). The Standard additionally teaches (as does Van Thong) that closed captions not only contain text data pertaining to script data (see Pages 69), but also timing data provided at locations corresponding to beginnings of each of the individual segments of the television program (see the "Caption Distribution Packets" of Figure 20 and Page 71, End of the First Paragraph for the closed captioning data including timing data corresponding to the to beginnings of each of the individual segments of the television program (the point at which a caption appears in the television program)).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the closed captioning creation tool, as taught by Van Thong, to utilize the transmission and time coding techniques, as taught by EIA-708-B DTV Closed Captioning Standard, for the purpose of providing an important tool to allow captions to be kept properly synchronized with pictures (see Bottom of Page 72 of the EIA-708-B specification).

Referring to claim 2, Van Thong further discloses that said closed caption data further comprises timing data provided at locations corresponding to ends of each segment (see again Column 1, Lines 16-20 for the duration data being used to determine the end of each segment).

Referring to claim 5, the EIA Closed Captioning Standard discloses that the transmission of the closed caption data is synchronized with the transmission of the

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individual segments of the television program (see Figure 2 and Page 5 of the EIA Closed Captioning Standard).

Referring to claim 7, Van Thong discloses storing the television program and the closed caption data on a machine-readable storage medium (see Column 2, Lines 15-22 for generating the final videotape (storage medium) with the television program and the synchronized closed captions).

Referring to claim 10, the Closed Captioning Standard discloses that the timing data is encoded as hidden closed caption data (see Figure 2 and Page 5).

Referring to claim 11, Van Thong discloses that said timing data is accompanied by a timing data marker (see Column 1, Lines 16-20).

Referring to claims 13-14, see the rejection of claims 1-2, respectively.

Referring to claim 17, see the rejection of claim 5.

Referring to claim 19, see the rejection of claim 7.

Referring to claims 22-23, see the rejection of claims 10-11, respectively.

Referring to claims 50-51, see the rejection of claim 1.

Referring to claim 54, the DTV Closed Captioning Standard discloses that the timing data is provided in vertical blanking intervals of the video signal (see Page 1, Section 1.1 Overview).

Referring to claim 55, the DTV Closed Captioning Standard discloses that the timing data is provided in data fields of a digital video signal (see Page 5 and Figure 2).

Referring to claim 56, see the rejection of claim 7.

Referring to claim 59, see the rejection of claim 11.

Referring to claims 61-62, see the rejection of claim 1.

Referring to claims 65-66, see the rejection of claims 54-55.

Referring to claim 67, see the rejection of claim 7.

Referring to claim 70, see the rejection of claim 11.

Claims 6, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Thong et al. (U.S. Patent No. 6,505,153) in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard in further view of Shriver (U.S. Patent No. 6,290,359).

Referring to claim 6, Van Thong and the EIA Closed Captioning Standard teach all the limitations in claims 1 and 5, and also teach that the transmission of the closed caption data is synchronized to the display of corresponding text data (see Column 1, Lines 14-20 and Lines 61-64 of Van Thong). However, both prior art references fail to



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disclose that the teleprompter is used to a person who appears in a video program as a reader of the text (for example a newscaster or a person giving a speech at the academy awards using a teleprompter).

Shriver teaches using a teleprompter to display to a person being filmed by a camera (therefore, being viewed by others on a television program) his/her script (see Column 7, Lines 21-31).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the displays of Van Thong and the EIA Closed Captioning Standard, using the teleprompter, as taught by Shriver, for the purpose of helping an actor or actress remember his/her lines for the play he/she is performing.

Referring to claim 18, see the rejection of claim 6.

Claims 8-9, 20-21, 57-58 and 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Thong et al. (U.S. Patent No. 6,505,153) in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard in further view of Grooters et al. (U.S. Patent No. 6,549,718).

Referring to claim 8, Van Thong and the DTV Closed Captioning Standard disclose all of the limitations in claim 1, as well as the timing data for a segment comprising an identifier associated with the segment (see the rejection of claim 1), but fails to teach that the timing data comprises data indicating an amount of time by which the identifier precedes the beginning of the segment.

Grooters also discloses a television system used to transmit timing data to a viewer's client device (see Figures 1-2). Grooters further discloses adding start and stop tags either an analog or digital television system (see Column 3, Line 65 through Column 4, Line 24) and that a start marker can indicate a time before the actual start time of the program (see Column 4, Line 67 through Column 5, Line 7), thereby teaching data indicating an amount of time by which the identifier preceding the beginning of the segment.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the timing data, as taught by Van Thong and the DTV Closed Captioning Standard, to include the start and stop time markers, as taught by Grooters, for the purpose of starting the recording device at an appropriate time to capture at least the actual start of the program (see Column 5, Lines 4-7 of Grooters).

Referring to claim 9, see the rejection of claim 8.

Referring to claims 20-21, see the rejection of claims 8-9, respectively.

Referring to claims 57-58, see the rejection of claims 8-9, respectively.

Referring to claims 68-69, see the rejection of claims 8-9, respectively.

Claims 12, 24, 60 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Thong et al. (U.S. Patent No. 6,505,153) in view of the EIA-708-B Digital Television (DTV) Closed Captioning Standard in further view of Gammie et al. (U.S. Patent No. 5,381,481).

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Referring to claim 12, Van Thong and the DTV Closed Captioning Standard disclose all of the limitations of claim 1, but fails to teach that the timing data is encrypted.

Gammie discloses that services such as teletext and closed captioning can be encrypted (see Column 1, Lines 39-52).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the timing data, as taught by Van Thong and the DTV Closed Captioning Standard, using the encrypted closed captions, as taught by Gammie, for the purpose of providing an ideal method for preventing unauthorized access to services in a subscription television system (see Column 1, Lines 51-52 of Gammie).

Referring to claim 24, see the rejection of claim 12.

Referring to claim 60, see the rejection of claim 12.

Referring to claim 71, see the rejection of claim 12.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

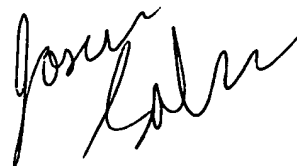
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce  
Primary Examiner  
Art Unit 2623

April 3, 2007

A handwritten signature in black ink, appearing to read "Jason P. Salce", is written over the typed name and title.